

COLORADO DEPARTMENT OF HUMAN SERVICES 1575 SHERMAN ST., DENVER, COLORADO 80203-1714 AGENCY LETTER	NUMBER: CW-01-38-P
	CROSS REFERENCE NUMBER:
DIVISION OR OFFICE: Child Welfare Services	DATE: December 31, 2001
PROGRAM AREA: Child Welfare – CW	DIVISION DIRECTOR:
TITLE: CHILD WELFARE SERVICES MAINTENANCE OF EFFORT ELIGIBILITY PROCEDURES AND TRAILS AND NEW TITLE XX REQUIREMENT TYPE: P – Procedure	MANAGER: Jane Beveridge

DISTRIBUTION: County Directors, Child Welfare Staff, Child Welfare Maintenance of Effort Eligibility Workers.

PURPOSE: The four purposes of this agency letter are to:

- 1) inform county departments of changes regarding procedures relating to the Child Welfare Services Maintenance of Effort (MOE) Program as a result of the implementation of the Trails automated system;
- 2) to provide information regarding a change for reporting a requirement for Title XX funding;
- 3) to provide the revised MOE determination form; and,
- 4) to introduce Larry Armstrong as the new Maintenance of Effort Program Specialist for Child Welfare replacing Cheryl Duncan.

BACKGROUND:

Child Welfare Services Maintenance of Effort (MOE): The TANF program allows for expenditures for TANF eligible families (including those families eligible for "Emergency Assistance") to be attributed to the TANF Maintenance of Effort requirement. Effective July 1, 1997, Colorado elected to attribute eligible expenditures made to or on behalf of children determined eligible for the Child Welfare Services Maintenance of Effort Program (known as the IV-A Emergency Assistance Program prior to July 1, 1997) towards its TANF MOE requirement. A determination of MOE eligibility on the state-designated form is required to claim MOE funding.

TANF Transfers to Title XX: Section 404(d)(3)(B) of the Social Security Act requires that TANF funds transferred to Title XX programs (i.e. county child welfare services) must be used only for programs and services to children or their families whose income is less than 200 percent of the federal poverty level applicable to the family size involved. Title XX is that title of the Federal Social Security Act from which the State's Services Plan is based. The Title XX legislation is contained in Public Law No. 97-35.

INFORMATION AND PROCEDURES:

MOE Eligibility Determination Form: The MOE eligibility determination form, otherwise known as the Certification for Emergency Assistance form, was revised 11/2001 and is attached. The revised form incorporates the Title XX requirement and changes in procedures addressed later in this agency letter. The revisions to the form are as follows:

- ?? Fields for data elements no longer required for MOE eligibility have been removed from the form. (Fields removed are Ethnic, Marital Status, Grade Completed, Teen Parent in School or GED Program, and Disability. These fields are no longer mandatory fields in SPA).
- ?? A line for signature by a worker initiating an MOE application and a line for the DATE OF APPLICATION has been added.
- ?? Check boxes "Yes. ☐ or No. ☐ " have been added with MOE Eligibility Criteria section.
- ?? The field for recording the Title XX requirement was added.
- ?? The chart of poverty guidelines for establishing 200% of federal poverty level has been added.

The MOE determination form is not yet available online through Trails. The State intends to include modifications to the eligibility window and add the MOE form online through Trails reports in a future release,

and is being added to the Child Welfare website under *Child Welfare Forms*. It will be under the form number CWS-13.

Title XX: When TANF funds are transferred to Title XX, the federal government requires that these Title XX funds must be spent on families with household income of less than 200% of the federal poverty guideline. Funds transferred from the TANF Block to the Child Welfare Block fall under this federal requirement. In an effort to demonstrate compliance with the Title XX requirement, the State Department has included the 200% of poverty determination on the MOE determination form, since determining the household income is also a requirement for the MOE eligibility determination. **The determination of family income under 200% of poverty is NOT an MOE eligibility requirement, and therefore does not impact the child's eligibility for MOE funding.** This Title XX requirement is not recorded in SPA system (Single Purpose Application).

The federal Department of Health and Human Services provides poverty guidelines which are revised each calendar year. The poverty level is based on the number of family members residing in the household. The 2001 federal poverty guideline is as follows:

200% of Poverty - 2001 HHS Poverty Guidelines

Size of Family Unit	200% of Poverty
1	\$17,180
2	\$23,220
3	\$29,260
4	\$35,300
5	\$41,340
6	\$47,380
7	\$53,420
8	\$59,460
For each additional person, add	\$6,040

Example: A family (household) with 2 parents and 2 children must have an annual income of less than \$35,300 to be less than 200% of poverty for the family unit.

Use the regulations used for Colorado Works found in Staff Manual Volume III Section 3.600 for guidance on determining members of the household for the MOE and Title XX determinations. Volume III can be accessed through the internet at www.cdhs.state.co.us , then link to *Rules and Regulations*.

Maintenance Of Effort And Trails: The implementation of the Trails automated system has impacted the procedures for the Child Welfare Services Maintenance of Effort Program. There are differences in the functions of the prior automated system, CWEST, and that of the new Trails system which change processes for determining MOE eligibility and recording the MAINTENANCE OF EFFORT entitlement category for capturing funding.

CWEST: When the prior automated system (CWEST) was operational a "case" would generally be opened in CWEST at the assessment and investigation phase. Completion of the MOE eligibility determination form was also generally completed at the assessment phase. The MOE funding source code 77 could be added to the CWEST system at this point of assessment.

TRAILS: The worker can open an "assessment" in Trails without opening a "case". Many clients opened in assessment do not go on to have an open case in Trails.

The Trails system has been designed to attribute claimability for funding streams at the point in which the client is "participating as a child" in an open "case" (at the case level, the Entitlement window can be accessed). All eligibility records for a client automatically default to Without Regard to Income (WRI) funding source span. The case open date and client involvement start date can be backdated to the date of referral, and then the WRI span can also be backdated. The WRI span will remain open when other entitlements are added.

When the case is open in Trails, the Eligibility or Generalist Worker can navigate to the Entitlement window and enter a start date for the "MAINTENANCE OF EFFORT" entitlement. The WITHOUT REGARD TO INCOME entitlement start date is defaulted to the date "participating as a child" is selected. The Trails system will not allow a MAINTENANCE OF EFFORT entitlement start date to begin earlier than the WITHOUT REGARD TO INCOME / client involvement start date.

Initiating The MOE Application: To maximize MOE revenue the MOE determination should be initiated at the assessment stage and completed at the case stage. The federal requirement allows for MOE eligibility to begin no earlier than the "date of application". The form used for determining eligibility for MOE has been revised to include a section for the worker to sign and initiate a "DATE OF APPLICATION".

The worker can sign and date this part of the form at the "assessment" stage prior to fully completing the determination of MOE eligibility. If the worker determines that the county department will not go forward with opening a Trails case for the client, no further action on the form is required. Eligibility for MOE will not be determined. No record will be entered into the SPA (Single Purpose Application) system at this point.

Completing The MOE Eligibility Determination: When the worker decides to open a "case" in Trails for the child, the remainder of the MOE determination form is to be completed within 3 business days. If the worker determines that the household is eligible for Maintenance of Effort, the MOE entitlement start date must be added in the Entitlement screen. *(The county worker is still required to enter the MOE record into the SPA system at this point.)*

The Trails MAINTENANCE OF EFFORT entitlement start date for a MOE eligible child can be no earlier than:

1. the DATE OF APPLICATION on the MOE eligibility determination form, and
2. no earlier than the WITHOUT REGARD TO INCOME (WRI) start date shown in the Entitlement Screen in Trails. *(The WRI start date can be backdated to the case open date and the client involvement start date by the Eligibility or Generalist Worker).*

EXAMPLE: The county receives a referral July 11, 2001 and begins an "assessment" on July 12, 2001 and the worker initiates the MOE application by signing and dating the INITIATION OF APPLICATION section of the MOE form as shown below:

INITIATION OF APPLICATION	
WORKER INITIATING APPLICATION : <u> Jane Doe </u>	DATE OF APPLICATION: <u> 7/12/2001 </u>
(Signature of Worker)	(Enter this date in Fin. Appl. Date field in SPA)

Three weeks later on August 2, 2001 it is decided that a "case" will be opened back to the date of referral (7/11/01). The worker completes the MOE determination form finding that the household is MOE eligible and dates and signs the authorization section of the form shown below.

UNDER PENALTY OF PERJURY, I HEREBY CERTIFY BY SIGNING THIS FORM, THAT I AM SAYING THAT THE INFORMATION ON THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT EACH PERSON THAT IS ELIGIBLE TO PARTICIPATE LISTED ON THIS APPLICATION IS A CITIZEN OR QUALIFIED ALIEN.		
John Henry		8/2/01
0010		
SIGN HERE (Authorized Agency Representative)	Date	Worker Number

The Eligibility or Generalist Worker will backdate the Without Regard to Income start date in the Entitlement window to the date of referral 07/11/01 and will enter the MAINTENANCE OF EFFORT entitlement **start date as 07/12/01**. The initiation of the MOE application on July 12, 2001 allows for eligibility for MOE to begin on that date. The Eligibility Worker will enter the MOE record into SPA, entering the 7/12/01 in the *Fin. Appl. Date* field.

Other MOE And Trails Issues:

1) MOE funding may be lost if counties do not have adequate measures in place to assure that the MOE determination form is completed upon opening the case in Trails, and for assuring that the MAINTENANCE OF EFFORT entitlement is added to the Entitlement window in a timely manner.

The MOE determination form should be completed within 3 business days of opening the case in Trails (similar to the 72 hour rule previously used for Emergency Assistance eligibility). Counties should enter the MAINTENANCE OF EFFORT entitlement into the Trails Entitlement screen as soon as possible after the eligibility has been determined. Entering the entitlement timely in Trails enhances Colorado's ability to capture administrative costs for MOE funding.

Volume VII currently requires the MOE determination to be made within 30 days of opening a "case". Since the concept of opening a "case" in Trails is different, a change to Volume VII to implement the 3 business day rule was requested. The rule was passed by the State Board of Human Services with an effective date of February 1, 2002.

Many counties have asked that Trails include a report that can be used by MOE Eligibility Workers, so that they will know that a "case" has been opened in Trails for a child. This report is on the State developed reports priority list and is also among the top 17 Trails modification priorities developed by the Trails County Task Force. It has not yet been determined when the report will be available in Trails, however, it has been assigned to a developer and the initial design has begun.

Recommendations For Assuring Timely Completion Of MOE Determinations:

Supervisor approval is required when the case is opened from assessment. This is a point of opportunity for the supervisor to be sure that the worker has either completed the MOE determination form or to remind the worker to submit the MOE paperwork to an MOE eligibility worker for completion. In the Case Connection screen in Trails, there is a comment text box where the worker could inform the supervisor that the MOE determination form was processed (the worker could type in something as simple as "MOE completed".)

Supervisor approval for Core Services service authorizations is also a point of opportunity for counties to assure that the MOE determination form has been completed. Core services represents a large portion of the expenditures applied to the MOE requirement. It is particularly important for maximizing MOE dollars that counties assure that MOE eligibility determinations have been made timely for children receiving Core Services.

2) It is important for counties to utilize the Trails system as it has been designed to assure that MOE funding is maximized. The Trails system is designed to capture funding at the case level. Current design for capturing administrative costs through the Random Moment Sampling (RMS) process also is designed to work with Trails data on the case level. Percentages of children eligible for an entitlement are used in conjunction with the RMS process to determine the distribution of funding for the administrative cost pools.

The procedural changes in this agency letter are provided to support and enhance MOE funding. If the system is used as designed, MOE should not be at risk.

EFFECTIVE DATE:

Immediately.

SUPERSEDES:

Certification for Emergency Assistance form (Revised 1/98)

CONTACT PERSON:

Larry Armstrong

TELEPHONE:

303-866-4587

COLORADO DEPARTMENT OF HUMAN SERVICES
ASSISTANCE

CERTIFICATION FOR EMERGENCY

MAINTENANCE-OF-EFFORT (MOE)
ELIGIBILITY DETERMINATION FORM

COUNTY:	HOUSEHOLD #:	CASE NAME:
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INITIATION OF APPLICATION
 WORKER INITIATING APPLICATION : _____ DATE OF APPLIC. _____
 (Signature of Worker)

HEAD OF HOUSEHOLD INFORMATION

LAST NAME	FIRST	MIDDLE
MAILING ADDRESS: _____ NUMBER _____ STREET/PO BOX/RURAL ROUTE _____		
CITY/TOWN	STATE	ZIP CODE
TELEPHONE NUMBER / LOCATION _____		

HOUSEHOLD MEMBERS LIST FAMILY MEMBERS RESIDING IN THE HOME WITH THE CHILD(INCLUDING STEPPARENTS)

HH Suffix	STATE ID	T R A I L S	LAST NAME, FIRST NAME, MIDDLE INITIAL	RELATIONSHIP TO HEAD OF HOUSEHOLD	SOCIAL SECURITY NUMBER	SEX M/F	DATE OF BIRTH
			SAME AS ABOVE				

ELIGIBILITY CRITERIA AND FACTORS

- Yes. ☐ or No. ☐ An emergency exists, defined as; the child is at risk of removal from their home into publicly funded care or supervision.
- Yes. ☐ or No. ☐ The household income is less than \$75,000 per year. Annual household income = _____.
- Yes. ☐ or No. ☐ The child lives with a parent(s) or other specified relative.

TITLE XX

- Yes. ☐ or No. ☐ Is the household income less than 200% of poverty?

UNDER PENALTY OF PERJURY, I HEREBY CERTIFY BY SIGNING THIS FORM, THAT I AM SAYING THAT THE INFORMATION ON THIS FORM IS CORRECT TO THE BEST PARTICIPATE LISTED ON THIS APPLICATION IS A CITIZEN OR QUALIFIED ALIEN.

SIGN HERE (Authorized Agency Representative)

Date

DENIED REASON: DATE AND INITIAL :	INCOME VERIFICATION: TANF _____; FS _____; DOLE/C _____; SVES _____; Other _____
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SPA CODE	STANDARD SPA CODES	CITIZENSHIP CODES	RELATIONSHIP CODES
	COIN CASE ACTION CD = 7 (MOE UPDATE)	1. US CITIZEN OR NATURALIZED CITIZEN	0 Not Related
	CATEGAORY CODE = 04 (TANF)	E. QUALIFIED ALIEN	1 Parent (Natural or Adoptive)
	GRANT CODE = 0 (SPA DATA ONLY OR MOE CASE)	D. NON-CITIZEN UNQUALIFIED	2 Grandparent
			3 Uncle Aunt
			4 Brother or Sist
			5 Stepparent
			6 Step-Brother c
			7 Other

Revised (11/2001)

SPA DATA ENTRY COMPLETE _____

FOR YOUR PROTECTION IT IS IMPORTANT TO READ THE FOLLOWING CAREFULLY

RIGHT TO APPEAL - PLEASE READ

IF YOU THINK YOUR COUNTY DEPARTMENT HAS BEEN UNFAIR OR HAS MADE A MISTAKE CONCERNING YOUR ELIGIBILITY OR THE AMOUNT OF YOUR BENEFITS, YOU HAVE THE RIGHT TO APPEAL EITHER VERBALLY OR IN WRITING.

THIS MEANS YOU WILL BE GIVEN A CHANCE TO PRESENT YOUR CASE FOR A REVIEW BY PERSONS NOT RESPONSIBLE FOR THE ORIGINAL DECISION TO BE SURE THE COUNTY ACTION WAS A PROPER ONE. AT YOUR HEARING, YOU MAY HAVE A LEGAL COUNSEL, A RELATIVE, A FRIEND, OR YOU MAY REPRESENT YOURSELF.

IF YOU WANT A HEARING, CALL YOUR ELIGIBILITY TECHNICIAN FOR A COUNTY HEARING OR CONFERENCE. IF YOU STILL DISAGREE AFTER THE HEARING OR IF YOU WISH TO SKIP THE COUNTY HEARING, WRITE TO OR REQUEST THE COUNTY DEPARTMENT TO WRITE TO:

DIVISION OF ADMINISTRATIVE HEARINGS
1120 LINCOLN, SUITE 1400
DENVER, COLORADO 80203.

IMPORTANT - PLEASE READ

IF YOU THINK THAT THE DEPARTMENT HAS MADE A MISTAKE OR TREATED YOU DIFFERENTLY FROM OTHERS BECAUSE OF YOUR RACE, POLITICAL BELIEF, NATIONAL ORIGIN, RELIGION, OR SEX, LET US KNOW BY WRITING:

THE DIVISION OF ADMINISTRATIVE HEARINGS
1120 LINCOLN, SUITE 1400
DENVER, CO 80203

OR

THE SECRETARY OF THE U.S. DEPARTMENT OF
370 L'ENFANT PROTECTOR
WASHINGTON, D.C.

200% of Poverty

2001 HHS Poverty Guidelines

Size of Family Unit	200% of Poverty
1	\$17,180
2	\$23,220
3	\$29,260
4	\$35,300
5	\$41,340
6	\$47,380
7	\$53,420
8	\$59,460
For each additional person, add	\$6,040

Refer to Staff Manual Volume III Section 3.600 (regulation
used for Colorado Works)
for guidance on who to include as a household member.